

Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
February 16, 1997
9:00 a.m.

Closed Session: A closed session was conducted.

Called To Order: Meeting was called to order at 10:02 a.m.

Opening Ceremony: Opening ceremony was conducted by Alice Yellowbank.

Council Present: Janet Shomin, George Anthony, Frank Ettawageshik, Barry Laughlin, Alice Yellowbank, Patti Dyer-Deckrow.

Council Absent: Shirley Oldman

Staff Present: Susan Keller, Michelle Chingwa

Guests Present: See attached list.

AGENDA:

The agenda was amended.

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to approve agenda as amended.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Natural Resource Commission Appointment

The current term of the Natural Resource Commissioner expires on March 9, 1997. The current commissioner wants to assure that a commissioner is appointed so that a break in the NRC Commission does not happen. He emphasized the fact that now is a very critical time for the NRC. Council will request attorney, Jim Bransky, to draft an amendment that can clarify points on the statute. This item may be added to today's legislative calendar so action can be taken on this issue.

The Chief Enforcement Officer gave Council a brief overview of the proposed site for NRC on the Stewart property.

Council Arrives: Shirley Oldman arrived at 10:38 a.m.

BILLS:

There were no bills to be discussed at this time.

Minutes/Phone Polls

Motion as made by **George Anthony** and was **Seconded** by **Patti Dyer-Deckrow** to table the minutes and phone polls until the budgets are completed.

Vote: 7 YES 0 NO 0 ABSTAINED **Motion Carried**

Public Comment: Public comment period opened at 11:14 a.m. No public comment was issued. Public comment closed at 11:14 a.m.

Human Resource Budget & Job Description

The Human Resource Budget and job description was reviewed and amended.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Shirley Oldman** to approve the Human Resource Manager's Budget and job description for 1997 with changes to budget justification and job description.

Vote: 7 YES 0 NO 0 ABSTAINED **Motion Carried**

Accounting Budget & Job Description

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Alice Yellowbank** in support of hiring a finance director for the Accounting Department in 1997.

Vote: 3 **Alice Yellowbank, Shirley Oldman, Patti Dyer-Deckrow** YES 3 **Janet Shomin, Frank Ettawageshik, Barry Laughlin** NO 1 **George Anthony** ABSTAINED **Motion Defeated**

Comments: Patti Dyer-Deckrow is concerned.

Recess: Recess was called at 12:49 p.m. Meeting was called back to order at 1:16 p.m.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Janet Shomin** to go into Closed Session at 1:16 p.m.

Vote: 7 YES 0 NO 0 ABSTAINED **Motion Carried**

Recess: Recess was called at 1:49 p.m. Meeting was called back to order at 2:00 p.m.

Much discussion was held at this point regarding the closed session that was conducted. Patti Dyer-Deckrow and Alice Yellowbank felt that the closed session was a personnel issue and removed themselves from the closed session because LTBB has a grievance process that has to be followed and employees cannot go around it.. Janet Shomin had called the closed session in order to bring some problems in the Accounting Department to Council. Janet requested clarification from Council on whether it is part of the Accountant's job to develop policies and procedures for the Accounting department. Council stated that it was part of the Accountant's job requirements.

NORAM

The weekend gaming planning session for Council & NORAM will be held March 7th, 8th, and 9th, at the Grand Traverse Resort in Traverse City. The Council meetings for March will be March 2, and March 23, 1997. The funding for the gaming planning session was discussed and NORAM stated they will be covering the complete cost. Issues that will be addressed at the gaming planning session were highlighted such as the Accounting Report that Council has requested from NORAM. This report will be sent to all Council members before the gaming planning session.

Compact

The latest discussion is that the Chairman(s) ought to conduct a meeting with Mayor Archer to see what we can do to put some pressure on getting the compact approved. Chairman Ettawageshik and Rick Weiner will coordinate this meeting.

Property

The Stewart property lease was briefly discussed.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Alice Yellowbank** approving Chairman Ettawageshik to sign the lease, subject to attorney approval for the Stewart property on Murray Road for use by NRC.

Vote: 7 YES 0 NO 0 ABSTAINED **Motion Carried**

Council Departs: Janet Shomin departed at 4:00 p.m.

Accounting Department

Accounting budget was reviewed and amended.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Shirley Oldman** to approve the 1997 Accounting budget, justification, and job description with changes.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Office Manager Job Description

The job description for the office manager was reviewed and amended.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Barry Laughlin** to accept the job description for the Office Manager position.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Tribal Council Budget

The Tribal Council budget was reviewed.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to approve the 1997 Tribal Council budget.

Vote: 6 YES 0 NO 0 ABSTAINED **Motion Carried**

Council Departs: Patti Dyer-Deckrow departed.

Tribal Chairman's Budget

The Tribal Chairman's budget was reviewed.

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to approve the 1997 indirect portion of the Tribal Chairman's budget.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to approve the 1997 Tribal Funds portion of the Tribal Chairman's budget.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Cultural Preservation Budget

Motion was made by **Shirley Oldman** and was **Seconded** by **Alice Yellowbank** to approve the 1997 indirect cost portion of the Cultural Preservation budget.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Motion was made by **Shirley Oldman** and was **Seconded** by **Barry Laughlin** to approve the 1997 Tribal Funds portion of the Cultural Preservation budget.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Maintenance Budget

Motion was made by **Shirley Oldman** and was **Seconded** by **Barry Laughlin** to approve the addition of a maintenance supervisor position to the wage grid starting at \$16,640.00 to \$23,033.64.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Chairperson Ettawageshik turned the chair over to Vice-Chairperson Shirley Oldman at 6:25 p.m.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to add a maintenance supervisor position and job description to 1997 maintenance budget.

Vote: 4 YES 0 NO 0 ABSTAINED **Motion Carried**

Comments: The Tribal Administrator will complete the job description.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to approve the 1997 Maintenance budget and budget justification.

Vote: 4 YES 0 NO 0 ABSTAINED Motion Carried

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to approve the job description for the Executive Assistant to Tribal Council and Chairperson with changes.

Vote: 4 YES 0 NO 0 ABSTAINED Motion Carried

Tribal Administrator's Report

An overall discussion was held regarding the Tribal Administrator's written report. It was discussed by Council that it is not the place of the Office Manager or the Tribal Administrator to issue any checks from the Accounting Office. Only the Accounting staff are to issue checks. Council stated that the Tribal Administrator's report was very informative.

The chair was turned back over from Vice-Chairperson, Shirley Oldman, to Chairman Ettawageshik.

Motion was made by **Shirley Oldman** and was **Seconded** by **George Anthony** to accept the written and verbal report from the Tribal Administrator.

Vote: 5 YES 0 NO 0 ABSTAINED Motion Carried

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to add proposed Waganaksing Titled Statute Service of Commissioners to today's Legislative calendar.

Vote: 5 YES 0 NO 0 ABSTAINED Motion Carried

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to approve the Service of Commissioners Statute 199702.

Vote: 5 YES 0 NO 0 ABSTAINED Motion Carried

Comments: A mailing will go out to the general membership regarding the commissioner and committee position openings. This will be a two week posting from the date of mailing.

Tribal Chairman's Report

Chairman Ettawageshik gave a brief recap of what was discussed earlier in the meeting today with NORAM, i.e. budget, gaming, and the upcoming M.A.S.T. meeting.

Midwest Alliance of Sovereign Tribes (M.A.S.T.) Resolution #02169701

The joining of the M.A.S.T. assembly was discussed.

Motion was made by **George Anthony** and was **Seconded** by **Shirley Oldman** to join the M.A.S.T. by **Resolution #02169701**.

Vote: 5 YES 0 NO 0 ABSTAINED Motion Carried

Comments: Jim Bransky will draft a resolution and forward.

M.A.S.T. Meeting

Chairman Ettawageshik will be attending this meeting. He will check for Alice Yellowbank to see if Council members can attend. He will get this information back to Alice.

Motion was made by **George Anthony** and was **Seconded** by **Barry Laughlin** to accept the Tribal Chairman's written & verbal report.

Vote: 5 YES 0 NO 0 ABSTAINED Motion Carried

Commissions Procedures

Motion was made by **George Anthony** and was **Seconded** by **Alice Yellowbank** to table the Commissions Procedures.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Health Board & Removal of Commissioner's Statute

Motion was made by **George Anthony** and was **Seconded** by **Alice Yellowbank** to table the Health Board & Removal of Commissioner's Statute.

Vote: 5 YES _ NO _ ABSTAINED **Motion Carried**

Holy Childhood Committee Appointment

It was expressed by Council the need to get an appointee on the Holy Childhood Committee. The renovations are going to start soon, and it is important that we find an appointee before the work starts.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to table the Holy Childhood Appointment..

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Tribal Council Procedure Manual

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to table the Tribal Council Procedure Manual.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Election Board Appointment

The Election Board Appointment was discussed and the need to have the appointments in place by the end of April.

Motion was made by **Shirley Oldman** and was **Seconded** by **Alice Yellowbank** to table the further discussion on the Election Board Appointment.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Personnel Policies

Motion was made by **Alice Yellowbank** and was **Seconded** by **Barry Laughlin** to table the Personnel Policies.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

Public Comment: Public comment opened at 8:02 p.m. Jim Bransky addressed the Tribal Council meeting minutes and their construction. He stated that these minutes could not be used as a legal transcript. Jim stated that these minutes would not hold up in court.

His suggestion is that only motions be recorded as to the action that has taken place. The meetings should be recorded and kept labeled and in a safe place. If there was a need in the future for an official report, then the assistant could type a transcript from the tape. Video taping was also suggested. Public comment closed at 8:07

Motion was made by **George Anthony** and was **Seconded** by **Alice Yellowbank** to adjourn the Tribal Council Meeting at 8:10 p.m.

Vote: 5 YES 0 NO 0 ABSTAINED **Motion Carried**

These minutes have been read and approved as written:

Barry Laughlin, Tribal Council Secretary

Date

Tribal Council Special Meeting

1:19 p.m.

Closed Session:

A closed session was called at 1:19 p.m. on February 16, 1997.

Janet Shomin requested that the Tribal Administrator should remove herself from the meeting. A discussion was held rather or not the Tribal Administrator should remain in the closed session meeting. Much discussion was held regarding whether or not her presence should remain in the meeting. The reasons of why closed sessions are called was discussed. Janet Shomin gave information of why she has requested the Tribal Administrator to leave the meeting. Barry Laughlin would honor Janet's request. George Anthony supported Janet's request. Alice Yellowbank felt that we have to have a reason for requesting a closed session. George Anthony stated that he felt the Tribal Administrator could be informed by her supervisor if a plan of action should take place and that she should be excused but would be apprised of the situation. Janet does not feel that there would be a free flow of information to Council from the parties involved.

Barry felt that we should proceed. Alice and Patti felt that if the closed session gets into personalities we should end the Closed Session. Shirley stated that the minute things turn into a personality issue we have procedures for that.

The Tribal Accountant stated that this not a bashing session. There is a serious lack of backing from the Administrator and the flow of information coming from Administration. Patti Dyer-Deckrow excused herself because she felt this was a personnel issue. Kristi questioned her line of authority regarding procedures. What kind of input does she receive from administration. Receives ok from her supervisor, and then moves on to the Tribal Administrator.

Chairman Ettawageshik questioned that it would be a lot more productive if the Tribal Administrator was involved. Janet is skeptical that incidentals are being brought to the Council. Tribal Council felt that the Tribal Administrator needs to be come before Council and discuss these issues.

Barry stated that upper administration needs to follow policies and procedures and put into place. When lower staff see upper administration does not follow procedure staff cannot be expected to follow. Alice Yellowbank excused herself from this session.

George agrees with the chairman that all of this could be said in open session with the Administrator.

Motion was made by **George Anthony** and was **Seconded** by **Shirley Oldman** to go out of closed session.

Vote: 5 YES

0 NO

0 ABSTAINED

Motion Carried